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#IV2295965



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



Leroy D. Baca, Sheriff

May 15, 2014

Deputy Jose Sanchez, Jr., #[redacted]

Dear Deputy Sanchez:

On October 12, 2011, you were served with a Letter of Imposition under File Number 2295965, notifying you that you were discharged from your position of Deputy Sheriff, Item No. 2708A, with the Department, effective as of the close of business on November 2, 2011.

On April 16, 2014, the discipline was reduced pursuant to a final Civil Service Decision. All Departmental records will reflect that you received a five (5) day suspension. The five (5) day suspension was deemed served on December 13, 2011 through December 17, 2011.

Pursuant to the Civil Service Decision, the investigation under IAB File Number 2295965, conducted by Internal Affairs Bureau, coupled with your own statements, have established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/050.10, Performance to Standards; on or about October 20, 2010, while on duty at Men's Central Jail, you failed to conform to the work standards established by the Department for your position when you failed to properly handle Inmate Clayborn and removed his handcuffs without having ensured that the inmate was properly secured.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JOHN L. SCOTT, SHERIFF

Alicia E. Ault, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

AEA:CAK:liz

c: Advocacy Unit
Employee Relations Unit
David L. Fender, Chief, Custody Services Division - Specialized Programs
Personnel Administration
Century Regional Detention Facility/Unit Personnel File
Internal Affairs Bureau (File #2295965)
Office of Independent Review



Leroy D. Baca, Sheriff

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



July 9, 2012

Deputy Gregory Rodriguez, #[redacted]

Dear Deputy Rodriguez:

On October 14, 2011, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number 2295965. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. After reviewing the response submitted to support your position, the Department executives have amended the recommended discipline.

You are hereby notified that pursuant to an Education-Based Discipline (EBD) Agreement between you and this Department dated March 23, 2012, you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of twenty-five (25) days. However, pursuant to the EBD agreement, twenty (20) of the twenty-five (25) days will be held in abeyance for a period of twelve (12) months which will end on March 22, 2013. All Department records will reflect, nevertheless, that you received a twenty-five (25) day suspension. In accordance with the EBD Agreement, you have agreed to participate in an education-based alternative to discipline. Should you fail to complete any of the terms and conditions of the EBD Agreement, the twenty (20) days held in abeyance will be imposed.

The effective dates for the remaining five (5) day suspension are from July 23, 2012 through July 27, 2012.

An investigation under File Number IAB 2295965, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual Section 3-01/025.10, Unreasonable Force, and/or 3-01/030.05, General Behavior; and/or 3-01/000.10, Professional Conduct; and/or 3-01/040.97, Safeguarding Persons in Custody, on or about October 20, 2010, while on Duty at Men's Cental Jail, you used force that was not objectively reasonable against Inmate Clayborn, as evidenced by, but not limited to:

   a) striking Inmate Clayborn multiple times with your right knee to the inmate's stomach area, and/or;

   b) punching Inmate Clayborn multiple times in the face with your right fist, and/or;

   c) striking Inmate Clayborn multiple times in the face with your right knee, and/or;

   d) striking Inmate Clayborn multiple times on his right shoulder area with your right knee, and/or;

   e) striking Inmate Clayborn several more times to the right shoulder area with your right knee while the Inmate was face down on the floor, and/or;

   f) not working in a concerted effort with the other deputies present to restrain and handcuff Inmate Clayborn, choosing instead to punch and knee the Inmate.

   Your actions during this incident are completely contrary to this Department's Core Values, Mission and Creed and as a Deputy Sheriff, they simply cannot be tolerated. By your actions, you have brought discredit upon yourself and the Sheriff's Department.

2. That in violation of Manual Sections 3-01/030.10, Obedience to Laws, Regulations and Orders, as per (Custody Division Manual Section 5-05/090.00, Escorting Procedures For Combative or Uncooperative Inmates), on or about October 20, 2010, while on duty at Men's Central Jail, you assisted in escorting a handcuffed, uncooperative Inmate, Richard Clayborn, into an alcove leading into the 2000 floor mini-clinic without the knowledge and/or presence of a supervisor (the clinic was closed at the time). The area where Inmate Clayborn was taken is not in a normal traffic area of the jail.

3. That in violation of Manual Section 3-01/030.10, Obedience to Laws, Regulations, and Orders, as per (Custody Manual Section 5-05/090.05, Handling Insubordinate, Recalcitrant, Hostile or Aggressive Inmates; and/or Men's Central Jail Unit Order 5-03-001, Confrontations with Uncooperative, Hostile or Aggressive Inmates), on or about Sunday, October 20, 2010, while on duty at Men's Central Jail, without the knowledge and/or presence of a supervisor, you allowed another deputy, Jose Sanchez, to remove the handcuffs from Inmate Clayborn, who was suspected of having a jail made weapon "shank" concealed on his person, thereby endangering yourself and fellow employees. Once the handcuffs were removed, Inmate Clayborn immediately turned toward Deputy Sanchez, and physically attacked him by punching Sanchez on the left side of his face with a closed fist. You along with other deputies, then became involved in a physical altercation with Inmate Clayborn in the small confined space of the clinic alcove, thereby making the situation all the more dangerous for the Inmate and personnel involved.

4. That in violation of Manual Section 3-01/050.10, Performance to Standards, on or about Sunday, October 20, 2010, while on duty at Men's Central Jail, you failed to conform to work standards established by the Department for your position, as evidenced by, but not limited to:

   a) without direction, and/or without first obtaining permission or requesting assistance from a supervisor, you along with other deputies decided to take the handcuffed inmate into a secluded alcove on the 2000 floor. You and the other deputies had decided on your own to handcuff the inmate to some bars, and have him sit on a crate where he would be expected to defecate into a plastic bag, and/or;

   b) once in the alcove, you observed Deputy Sanchez remove the handcuffs from the potentially armed suspect which led to the physical confrontation with the inmate in a narrow alcove, and/or;

   c) failing to make any visible or sustained effort to handcuff the inmate, instead you employed your fists, kicked the inmate, and forcefully struck him with your knee as the inmate lay face down on the floor.

Additional facts and grounds for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Ralph G. Ornelas, Captain
Commander, Men's Central Jail

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

RGO:JHC:jp

c: Advocacy Unit
Alexander R. Yim, Chief, Custody Division
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
Century Regional Detention Facility/unit Personnel File Date

mo 3

SETTLEMENT AGREEMENT

This Agreement is entered into between the Los Angeles County Sheriff's Department, hereinafter referred to as "Department," and Deputy Gregory Rodriguez, Employee No.[redacted] hereinafter referred to as "Grievant."

The Department and Grievant are parties to this dispute and desire to settle all issues involved in the Letter of Intent dated October 14, 2011, (IAB No. 2295965), upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, the Department and Grievant for and in consideration of the mutual covenants contained herein, agree as follows:

1. The Department will, upon execution of this Settlement Agreement, reduce the intended thirty (30) days suspension to a twenty five (25) days suspension.

2. Five (5) days of the twenty five (25) days suspension will be served without pay and twenty (20) days will be held in abeyance for a period of twelve (12) months from the date of execution of this Settlement Agreement.

3. The twenty (20) suspension days will be held in abeyance for a period of twelve (12) months from the date of execution of this Settlement Agreement.

4. Both parties agree and understand that Grievant's records will reflect that the twenty five (25) days suspension was imposed and may be used for the purposes of demonstrating "progressive discipline." In addition, Grievant understands that if he is the subject of a founded investigation involving similar violations of the Department's Manual of Policy and Procedures within the next twelve (12) months, the twenty (20) suspension days held in abeyance shall be imposed.

5. Grievant agrees to attend and complete the below listed EBD courses and understands that failure to complete **all** of the courses and assignments shall result in the imposition of the twenty (20) days held in abeyance:

- Lieutenant's Interactive Forum for Education (LIFE) class (8 hours)
- Deputy Leadership Institute class (16 hours)
- 7 Habits of Highly Effective People class (24 hours)
- Anger Management & Effective Communication class (8 hours)
- Anger Awareness Management class (4 hours)
- Dealing with Difficult People class (4 hours)
- Cultural Awareness for Supervisors (8 hours)
- Basic Tactical Communication class (8 hours)
- Write an EBD evaluation reflecting on your experience with the EBD process

06-01-12 gr



Leroy D. Baca, Sheriff

County of Los Angeles

Sheriff's Department Headquarters

4700 Ramona Boulevard
Monterey Park, California 91754-2169



July 9, 2012

Deputy Adam Villalobos, #[redacted]

Dear Deputy Villalobos:

On October 14, 2011, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number 2295965. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. After reviewing the response submitted to support your position, the Department executives have amended the recommended discipline.

You are hereby notified that pursuant to an Education-Based Discipline (EBD) Agreement between you and this Department dated March 23, 2012, you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of seven (7) days. However, pursuant to the EBD agreement, two (2) of the seven (7) days will be held in abeyance for a period of twelve (12) months which will end on March 22, 2013. All Department records will reflect, nevertheless, that you received a seven (7) day suspension. In accordance with the EBD Agreement, you have agreed to participate in an education-based alternative to discipline. Should you fail to complete any of the terms and conditions of the EBD Agreement, the seven (7) days held in abeyance will be imposed.

The effective dates for the remaining five (5) day suspension are from July 30, 2012 through August 3, 2012.

An investigation under File Number IAB 2295965, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual Sections 3-01/050.10, Performance to Standards; and/or 3-01/025.10, Unreasonable Force; and/or 3-01/030.05, General Behavior; and/or 3-01/000.10, Professional

Conduct; and/or 3-01/040.97, Safeguarding Persons in Custody, on or about October 20, 2010, while on duty and assigned to Men's Central Jail, you used force that was not objectively reasonable against Inmate Clayborn, as evidenced by, but not limited to:

a) striking Inmate Clayborn multiple times in the face with your fists, and/or;

b) striking Inmate Clayborn multiple times with your left and right knees, and/or;

c) kicking Inmate Clayborn multiple times on his right leg while the inmate was lying on the ground, and/or;

d) not working in a concerted effort with the other deputies present to restrain and handcuff Inmate Clayborn, instead deciding to punch and knee the inmate.

Additional facts and grounds for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

Prior to imposing this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Ralph G. Ornelas, Captain
Commander, Men's Central Jail

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

RGO:JHC:jp

c: Advocacy Unit
Alexander R. Yim, Chief, Custody Division
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
Century Regional Detention Facility/unit Personnel File

MC 3

SETTLEMENT AGREEMENT

This Agreement is entered into between the Los Angeles County Sheriff's Department, hereinafter referred to as "Department," and Deputy Adam Villalobos, Employee No. [redacted] hereinafter referred to as "Grievant."

The Department and Grievant are parties to this dispute and desire to settle all issues involved in the Letter of Intent dated October 14, 2011, (IAB No. 2295965), upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, the Department and Grievant for and in consideration of the mutual covenants contained herein, agree as follows:

1. Both parties agree that the seven (7) days suspension shall stand.

2. Five (5) days of the seven (7) day suspension will be served without pay and two (2) days will be held in abeyance for a period of twelve (12) months from the date of execution of this Settlement Agreement.

3. Both parties agree and understand that Grievant's records will reflect that the seven (7) days suspension was imposed and may be used for the purposes of demonstrating "progressive discipline." In addition, Grievant understands that if he is the subject of a founded investigation involving similar violations of the Department's Manual of Policy and Procedures within the next twelve (12) months, the two (2) suspension days held in abeyance shall be imposed.

4. Grievant agrees to attend and complete the below listed EBD course and understands that failure to complete **all** of the course and assignments shall result in the imposition of the two (2) days held in abeyance:

- Lieutenant's Interactive Forum for Education (LIFE) class (8 hours)
- Write an EBD evaluation reflecting on your experience with the EBD process

5. The Grievant agrees to withdraw his grievance. Grievant further agrees to waive any and all further administrative or judicial remedies with respect to the Letter of Imposition and the modified discipline, and also waives any administrative or judicial remedies with respect to any imposition pursuant to paragraph three (3), above. This waiver shall include, but not be limited to, appeals to the Los Angeles County Civil Service Commission and/or the Los Angeles County Employee Relations Commission.

6. The parties further agree that this Settlement Agreement shall not be considered, cited, or used in future disputes as establishing past precedent or past employment practice.

06-1-1292

7. In consideration of the terms and conditions set forth herein, Grievant agrees to fully release, acquit and forever discharge the County, and all present and former officers, employees and agents of the County, and their heirs, successors, assigns and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the County and Grievant concerning the subject matter of the grievance referred to herein.

8. The Grievant further agrees to relinquish and expressly waives all rights conferred upon him by the provisions of California Civil Code Section 1542, which reads as follows:

> *"A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."*

9. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the "effective date" of this Settlement Agreement.

10. The parties agree that the foregoing comprises the entire Settlement Agreement between the parties and that there have been no other promises made by any party. Any modification of this Settlement Agreement must be in writing.

I have read the foregoing Settlement Agreement, and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences.

For the Sheriff's Department:

Date: 03/23/12

Adam Villalobos, Deputy

Date: 3-23-12

Dennis Burns, Chief



Leroy D. Baca, Sheriff

County of Los Angeles

Sheriff's Department Headquarters

4700 Ramona Boulevard
Monterey Park, California 91754-2169



May 30, 2012

Deputy Matthew Kerfoot, #[redacted]

Dear Deputy Kerfoot:

On October 14, 2011, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number 2295965. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. After reviewing the response submitted to support your position, the Department executives have amended the recommended discipline.

You are hereby notified that pursuant to an Education-Based Discipline (EBD) Agreement between you and this Department dated March 23, 2012, you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of twenty-five (25) days. However, pursuant to the EBD agreement, twenty (20) of the twenty-five (25) day(s) will be held in abeyance for a period of twelve (12) months which will end on March 22, 2013. All Department records will reflect, nevertheless, that you received a twenty-five (25) day suspension. In accordance with the EBD Agreement, you have agreed to participate in an education-based alternative to discipline. Should you fail to complete any of the terms and conditions of the EBD Agreement, the twenty (20) days held in abeyance will be imposed.

The effective dates for the remaining five (5) day suspension are from June 4, 2012, through June 8, 2012.

An investigation under File Number IAB 2295965, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual Sections 3-01/025.10, Unreasonable Force; and/or 3-01/030.05, General Behavior; and/or 3-01/000.10, Professional Conduct; and/or 3-01/040.97, Safeguarding Persons in

Custody, on or about October 20, 2011, while on duty at Men's Central Jail, you used force that was not objectively reasonable against Inmate Clayborn, as evidenced by, but not limited to:

a) striking Inmate Clayborn multiple times with your knee to the inmate's face and shoulder area, and/or;

b) kicking Inmate Clayborn multiple times in his torso area, and/or;

c) punching Inmate Clayborn in the face multiple times and/or deploying OC spray to the inmate's face, and/or;

d) not working in a concerted effort with the other deputies present to restrain and handcuff Inmate Clayborn, choosing instead to punch, kick, and/or used OC spray on the inmate.

Your actions during this incident are completely contrary to this Department's Core Values, Mission and Creed and as a Deputy Sheriff, they simply cannot be tolerated. By your actions, you have brought discredit upon yourself and the Sheriff's Department.

2. That in violation of Manual Sections 3-01/030.10, Obedience to Laws, Regulations and Orders, as per (Custody Division Manual Section 5-05/090.00, Escorting Procedures For Combative or Uncooperative Inmates), on or about October 20, 2010, while on duty at Men's Central Jail, you assisted in escorting a handcuffed, uncooperative inmate, Richard Clayborn, into an alcove leading into the 2000 floor mini-clinic without the knowledge and/or presence of a supervisor (the clinic was closed at the time). The area where Inmate Clayborn was taken is not in a normal traffic area of the jail.

3. That in violation of Manual Section 3-01/030.10, Obedience to Laws, Regulations and Orders, and/or 3-01/050.20, Duties of All Members, on or about October 20, 2010, while on duty and working on the 2000 floor of Men's Central Jail, you failed to follow the direct order of a supervisor, Sergeant Hugo Mosquera, who directed you to take Inmate Clayborn to the 2000 floor and secure him to a bench until the sergeant arrived. Instead of standing by and awaiting further instructions as ordered, you along with other

deputies, instead placed the inmate in a secluded alcove area, and attempted a plan to have the inmate defecate into a plastic bag in order to retrieve the "shank."

4. That in violation of Manual Section 3-01/030.10, Obedience to Laws, Regulations, and Orders, as per (Custody Manual Section 5-05/090.05, Handling Insubordinate, Recalcitrant, Hostile or Aggressive Inmates; and/or Men's Central Jail Unit Order 5-03-001, Confrontations with Uncooperative, Hostile or Aggressive Inmates), on or about October 20, 2010, while on duty at Men's Central Jail, without the knowledge and/or presence of a supervisor, you allowed another deputy, Jose Sanchez, to remove the handcuffs from Inmate Clayborn, who was suspected of having a jail made weapon "shank" concealed on his person, thereby endangering yourself and fellow deputies. Once the handcuffs were removed, Inmate Clayborn immediately turned toward Deputy Sanchez, and physically attacked him by punching Sanchez on the left side of his face with a closed fist. You along with other deputies, then became involved in a physical altercation with Inmate Clayborn in the small confined space of the clinic alcove, thereby making the situation all the more dangerous for the inmate and personnel involved.

5. That in violation of Manual Section 3-01/050.10, Performance to Standards, on or about Sunday, October 20, 2010, while on duty at Men's Central Jail, you failed to conform to the work standards established for your position by the Department, as evidenced by, but not limited to:

   a) failing to follow a direct order from a supervisor, Sergeant Mosquera to take Inmate Clayborn to the 2000 floor and secure him, and/or standby for further direction, and/or failing to ask permission to deviate from the sergeant's direction, and/or;

   b) without being directed and/or without first obtaining permission or requesting assistance from a supervisor, you along with other deputies, decided to take the handcuffed inmate into a secluded alcove on the 2000 floor. You stated that you and the other deputies had decided on your own to handcuff the inmate to some bars, and have him sit on a crate where he would be expected to defecate into a plastic bag, or word to that effect and/or;

c) having knowledge that the inmate was potentially armed with a weapon and failing to direct Deputy Sanchez to leave the handcuffs on the inmate which resulted in you and other deputies to be placed in a position where you had to physically confront a potentially armed inmate in a narrow alcove, and/or;

d) failing to make any visible or sustained effort to handcuff the inmate. You employed your fists, kicked the inmate with your feet, and forcefully struck him with your knees as the inmate lay face down on the floor.

Additional facts and grounds for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Ralph G. Ornelas, Captain
Commander, Men's Central Jail

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

RGO:JHC:md

c: Advocacy Unit
Alexander R. Yim Chief, Custody Division
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
Twin Towers Correctional Facility/unit Personnel File

SETTLEMENT AGREEMENT

This Agreement is entered into between the Los Angeles County Sheriff's Department, hereinafter referred to as "Department," and Deputy Matthew Kerfoot, Employee No. [redacted] hereinafter referred to as "Grievant."

The Department and Grievant are parties to this dispute and desire to settle all issues involved in the Letter of Intent dated October 14, 2011, (IAB No. 2295965), upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, the Department and Grievant for and in consideration of the mutual covenants contained herein, agree as follows:

1. The Department will, upon execution of this Settlement Agreement, reduce the intended thirty (30) days suspension to a twenty five (25) days suspension.

In addition, the wording "insubordinate" in Charge #3, line 4, in the letter of intent will be removed.

2. Five (5) days of the twenty five (25) days suspension will be served without pay and twenty (20) days will be held in abeyance for a period of twelve (12) months from the date of execution of this Settlement Agreement.

3. Both parties agree and understand that Grievant's records will reflect that the twenty five (25) days suspension was imposed and may be used for the purposes of demonstrating "progressive discipline." In addition, Grievant understands that if he is the subject of a founded investigation involving similar violations of the Department's Manual of Policy and Procedures within the next twelve (12) months, the twenty (20) suspension days held in abeyance shall be imposed.

4. Grievant agrees to attend and complete the below listed EBD courses and understands that failure to complete **all** of the courses and assignments shall result in the imposition of the twenty (20) days held in abeyance:

- Lieutenant's Interactive Forum for Education (LIFE) class (8 hours)
- Deputy Leadership Institute class (16 hours)
- 7 Habits of Highly Effective People class (24 hours)
- Anger Management & Effective Communication class (8 hours)
- Anger Awareness Management class (4 hours)
- Dealing with Difficult People class (4 hours)
- Cultural Awareness for Supervisors (8 hours)
- Basic Tactical Communication class (8 hours)
- Write an EBD evaluation reflecting on your experience with the EBD process

AW 4/5/12

5. The Grievant agrees to withdraw his grievance. Grievant further agrees to waive any and all further administrative or judicial remedies with respect to the Letter of Imposition and the modified discipline, and also waives any administrative or judicial remedies with respect to any imposition pursuant to paragraph three (3), above. This waiver shall include, but not be limited to, appeals to the Los Angeles County Civil Service Commission and/or the Los Angeles County Employee Relations Commission.

6. The parties further agree that this Settlement Agreement shall not be considered, cited, or used in future disputes as establishing past precedent or past employment practice.

7. In consideration of the terms and conditions set forth herein, Grievant agrees to fully release, acquit and forever discharge the County, and all present and former officers, employees and agents of the County, and their heirs, successors, assigns and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the County and Grievant concerning the subject matter of the grievance referred to herein.

8. The Grievant further agrees to relinquish and expressly waives all rights conferred upon him by the provisions of California Civil Code Section 1542, which reads as follows:

> *"A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."*

9. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the "effective date" of this Settlement Agreement.

10. The parties agree that the foregoing comprises the entire Settlement Agreement between the parties and that there have been no other promises made by any party. Any modification of this Settlement Agreement must be in writing.

I have read the foregoing Settlement Agreement, and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences.

For the Sheriff's Department:

Date: 03/23/2012

Date: 3-23-12

Matthew Kerfoot, Deputy

Dennis burns, Chief

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
IV2295965 - FO2277388

Subjects: **Matthew Kerfoot #[redacted] Deputy Sheriff**
Jose Sanchez #[redacted] Deputy Sheriff
Gregory Rodriguez #[redacted] Deputy Sheriff
Adam Villalobos #[redacted] Deputy Sheriff

Date/Time: **Sunday, October 20, 2010**

Location: **Men's Central Jail - 441 Bauchet Street, Los Angeles**

On September 1, 2011, the Executive Force Review Committee, consisting of Commanders Joseph Harshorne, Todd Rogers, and Michael Rothans, reviewed the significant use of force incident documented in IAB FO2277388.

IAB Note: The force review for the above listed incident was completed and presented to the committee by Internal Affairs Bureau Sergeant Eric Strong. Sergeant Strong's completed case book is included in this case book. See **Exhibit A**.

After reviewing the incident, the committee expressed a need for additional information. The committee requested that an administrative investigation be initiated, and deemed the four involved deputies as subjects. The committee delayed their final findings on the force used until the administrative investigation has concluded.

The potential Manual of Policy and Procedures Violations are: 3-01/050.10, Performance to Standards, 3-01/025.10, Unreasonable Force.

IAB Note: The Office Correspondence requesting the administrative investigation is included in this case book. See **Miscellaneous Documents**.

The following statements are summarized. Precise wording may be obtained by reviewing the digitally audio recorded interviews located in the IAB audio files and/or the verbatim transcripts included in this case book.

SUBJECT INTERVIEWS

Deputy Matthew Kerfoot

Subject Kerfoot was interviewed by Internal Affairs Bureau Sergeants Carlos Flores and Scott Graham on September 20, 2011, at 1026 hours. The interview was conducted at the Internal Affairs Bureau, and was digitally audio recorded. Subject Kerfoot was represented by Attorney Helen Schwab.

Subject Kerfoot stated that the information contained in his Supplemental Report, which he wrote on the day of the incident, is an accurate account of what transpired on October 20, 2010. He additionally stated that his statements provided during his interview with Internal Affairs Bureau investigators on May 4, 2011, were truthful.

Subject Kerfoot reiterated that when Sergeant Mosquera told him to return the inmate from the main clinic to the 2000 floor, he did not hear the sergeant tell him to "secure him to the bench." He said that by placing Inmate Clayborn in the Mini-Clinic, he did not believe he had deviated from the sergeant's direction. He said he believed that ultimately placing the inmate in the Mini-Clinic was what the sergeant was going to ask them to do. Subject Kerfoot stated that during his contacts with Sergeant Mosquera, he was not told about a Unit Order that addressed what they were dealing with. He again stated that he was unaware of a Unit Order, and he was dealing with the situation the same way he had dealt with other similar situations in the past.

Subject Kerfoot stated that during his contact with Inmate Clayborn, he (Clayborn) was completely cooperative, up until the time the handcuffs were taken off. His said the inmate did not give him any indication whatsoever that he was going to become hostile or assaultive. He said that due to the fact that Inmate Clayborn was so cooperative, he (Kerfoot) felt comfortable when Deputy Sanchez took the handcuffs off. He said that in hindsight, he would not have taken the handcuffs off of a potentially armed suspect.

Subject Kerfoot said that the area they were in (Mini-Clinic) was "very close quarters." He said that when Inmate Clayborn became assaultive, it was extremely hard to gain control of him due to the limited space. He said that during the struggle with the suspect he utilized kicks and strikes with his knees. He said that during his time on the department, he has been trained in utilizing that type of force. He said that when he utilized the different types of force (kicks, knees, punches), he believed he had no other option due to the suspect's actions.

Subject Kerfoot said that during their struggle with Inmate Clayborn, he saw only one opportunity to attempt to grab his hand, and attempt to handcuff. He said that when he then attempted to grab the inmate's hand, the inmate struck him in the face with his elbow. He said he did not observe another opportunity to attempt to handcuff the inmate until after the Taser was utilized. Subject Kerfoot said that he believes Deputy Sanchez utilized the Taser upon his first opportunity to do so.

Subject Kerfoot stated that only Deputy Sanchez utilized the Taser. He said Deputy Sanchez fired the Taser once, and he saw the prongs strike the suspect. He said he believes Deputy Sanchez activated the Taser a total of one or two times.

IAB Note: Prior to his interview, and during the interview, Subject Kerfoot was shown the video recording of the incident. Subject Kerfoot had seen the recording previously.

Subject Kerfoot stated that the inmate was assaultive and resistive during the entire incident. He said that though he was aware that other deputies were using force, he was unaware of the force they were using. He said he was concentrating on the inmate, and trying to gain control of him. He said that the force he saw being used on the video recording was appropriate, based on his knowledge of what was occurring. Subject Kerfoot said that no additional force was necessary after the inmate was handcuffed, nor was any used.

For his complete statement, refer to Subject Kerfoot's interview transcript.

Deputy Jose Sanchez

Subject Sanchez was interviewed by Internal Affairs Bureau Sergeants Carlos Flores and Scott Graham on September 20, 2011, at 1130 hours. The interview was conducted at the Internal Affairs Bureau, and was digitally audio recorded. Subject Sanchez was represented by Attorney Helen Schwab.

Subject Sanchez stated that the information contained in his Supplemental Report, which he wrote on the day of the incident, is an accurate account of what transpired on October 20, 2010. He additionally stated that his statements provided during his interview with Internal Affairs Bureau investigators on May 24, 2011, were truthful.

Subject Sanchez stated that while waiting in the main clinic for further instruction, Deputy Kerfoot arrived and told him that Sergeant Mosquera had directed them to take the inmate back to the 2000 floor. He said he was not told that the sergeant wanted the inmate secured to a bench. He said that though he did not discuss a plan or procedure with the other deputies, he knew the inmate would be handcuffed, provided a crate and plastic bag, and monitored. He said he reached that conclusion based on his past experiences, and understood that the other deputies knew the procedure as well. Subject Sanchez said the inmate could have been monitored from the bench or the Mini-Clinic. He said that based on the amount of inmates in the hallway, they decided to take the inmate to the Mini-Clinic.

Subject Sanchez stated that up to the time that the handcuffs were taken off the inmate, he (Clayborn) was completely cooperative. He said that based on the inmate's demeanor prior to removing the handcuffs, he did not feel the inmate was going to become hostile. Subject Sanchez said that because the inmate was so cooperative, he felt comfortable taking the handcuffs off, knowing that other handcuffs were going to be utilized quickly.

He said that in hindsight, he should have had one of his partners controlling the inmate's hands when he took the handcuffs off. Subject Sanchez said that in his four years of working at the Men's Central Jail, he had not been attacked by an inmate after taking handcuffs off.

Subject Sanchez stated that during the struggle with Inmate Clayborn, he (Sanchez) struck the inmate on his ribs utilizing his elbows. He stated he utilized that force due to the fact that the inmate appeared to be attempting to get back on his feet. Subject Sanchez stated that he wanted to keep the inmate on the floor in order to keep better control of him. He said that during the incident he also utilized punches and eventually the Taser. Subject Sanchez said he attempted to control the suspect's lower body, and legs, by using his body weight and arms. He said he was aware that the other deputies were using force, but did not know what type of force they were applying. He said he was concentrating on the subject's actions.

Subject Sanchez stated that he utilized the Taser as soon as he could. He said that due to the limited space, he was unable to utilize it sooner than when he did, and he used it when he felt it was the best time. He said that due to the size of the area, he feared striking one of his partners with the Taser. Subject Sanchez stated that no other deputy utilized a Taser during this incident. He stated that he utilized the Taser with the cartridge and prongs. He said he did not utilize the Taser in a "Drive Stun" mode, prior to utilizing the cartridge.

Subject Sanchez confirmed that he fired the Taser at the inmate, striking him with the prongs. He said he then placed the Taser on the inmate's leg and completed a "three point contact." He said that he has been trained to use the "three point contact" method, in order to maximize the effect of the Taser. Subject Sanchez stated that he activated the Taser two times, once to fire, and once when he completed the "three point contact." Subject Sanchez said that was the only time he utilized the Taser during the incident. He said the inmate was handcuffed after the use of the Taser. He said no other force was used after the inmate was handcuffed.

IAB Note: Taser Camera Video and Download Report are included in this case book. See **Exhibit A (Exhibit G)**. Record indicates 10 seconds of activation, beginning at 11:42:24 AM.

Prior to his interview, and during the interview, Subject Sanchez was shown the video recording of the incident. Subject Sanchez had seen the recording previously.

Deputy Sanchez said he believes the force he utilized was the only option he had at the time. He said that the force he observed on the video recording was appropriate based on his knowledge of what was occurring.

For his complete statement, refer to Subject Sanchez' interview transcript.

Gregory Rodriguez

Subject Rodriguez was interviewed by Internal Affairs Bureau Sergeants Carlos Flores and Hector Velasquez on September 22, 2011, at 1028 hours. The interview was conducted at the Internal Affairs Bureau, and was digitally audio recorded. Subject Rodriguez was represented by Attorney Helen Schwab.

Subject Rodriguez stated that the information contained in his Supplemental Report, which he wrote on the day of the incident, is an accurate account of what transpired on October 20, 2010. He additionally stated that his statements provided during his interview with Internal Affairs Bureau Sergeant Eric Strong on May 29, 2011, were truthful.

Subject Rodriguez stated that he was on the 2000 floor hallway when he saw Deputy Kerfoot and Deputy Sanchez with Inmate Clayborn. He said he had a brief conversation with Deputy Kerfoot, who informed him that the inmate possibly had a weapon secreted in his rectum. Subject Rodriguez stated that he and the other deputies decided to escort Inmate Clayborn to the Mini-Clinic, where he could be monitored. He said that by placing the inmate in the Mini-Clinic it also eliminated the chance that Inmate Clayborn could pass the weapon to another inmate.

Subject Rodriguez said that at that time he was not aware that a Unit Order existed, which addressed these types of situations. He said he and the other deputies followed the procedure that they had done in the past. Subject Rodriguez stated that he was aware that there was a camera inside the Mini-Clinic, and the inmate could then be monitored. Subject Rodriguez stated that he explained the process to the inmate, and the inmate was completely cooperative and respectful.

Subject Rodriguez stated that when Deputy Sanchez took the handcuffs off the suspect, he (Rodriguez) was standing nearby. He said he saw when Inmate Clayborn turned and punched Deputy Sanchez, and he immediately responded to assist. He said that Inmate Clayborn began to kick his legs as soon as he was taken down to the floor. Subject Rodriguez acknowledged that during the incident he utilized personal weapons; punches, and knee strikes. He said he was aware that the other deputies were using force, but did not know what type of force they were using. He said he experienced "tunnel vision," as he was completely focused on the inmate's actions.

Subject Rodriguez said the suspect was assaultive and resistive up until the Taser was utilized. He said he saw that when the Taser was used, the prongs struck the Inmate's back. He said that the Taser was used only one time during the struggle with Inmate Clayborn. Subject Rodriguez said that the use of the Taser was very effective as it immediately stopped the inmate's "fight on deputies." He stated that they were then able to handcuff the suspect.

Subject Rodriguez stated that he did not see an opportunity to just restrain the inmate until the Taser was used. He said the inmate was kicking and swinging his elbows throughout

the incident, despite the force that was being used by the deputies. He said he believes the force he utilized was the only option he had at the time.

> **IAB Note:** During the interview, Subject Rodriguez was shown the video recording of the incident. Subject Rodriguez had seen the recording previously.

Subject Rodriguez reiterated that at the time of the incident he knew that the other deputies were using force, but he did not see what they were doing. He said that the force he observed on the video recording was appropriate, based on his knowledge of what was occurring. Subject Rodriguez said that to his knowledge only he, Deputy Kerfoot, Deputy Sanchez, and Deputy Villalobos used force during this incident.

For his complete statement, refer to Subject Rodriguez' interview transcript.

Adam Villalobos

Subject Villalobos was interviewed by Internal Affairs Bureau Sergeants Carlos Flores and Hector Velasquez on September 22, 2011, at 1136 hours. The interview was conducted at the Internal Affairs Bureau, and was digitally audio recorded. Subject Villalobos was represented by Attorney Helen Schwab.

Subject Villalobos stated that the information contained in his Supplemental Report, which he wrote on the day of the incident, is an accurate account of what transpired on October 20, 2010. He additionally stated that his statements provided during his interview with Internal Affairs Bureau Sergeant Eric Strong on July 28, 2011, were truthful.

Subject Villalobos stated that he was on the 2000 floor hallway when he saw Deputies Kerfoot and Sanchez escorting Inmate Clayborn into the Mini-Clinic. He said he was aware that Inmate Clayborn was suspected of having a weapon secreted in his rectum. He said he had been told about the situation by Deputy Kerfoot, prior to their attempt to having the inmate X-Rayed. Subject Villalobos stated that he was aware that the Mini-Clinic contained a surveillance camera.

Subject Villalobos said he walked to the Mini-Clinic on his own initiative. He said that once he entered the Mini-Clinic he saw Deputy Sanchez taking the handcuffs off of Inmate Clayborn. He said the inmate appeared to be completely cooperative. He said he then saw the inmate turn and punch Deputy Sanchez. Subject Villalobos stated that he immediately responded and punched the suspect. He said he then attempted to take the suspect down to the ground utilizing his body weight. Subject Villalobos stated that he wanted to put the inmate on the floor in order to gain control of him.

Subject Villalobos stated that he utilized his knee and struck the suspect in the abdomen. He said he utilized that type of force in order to stop the inmate's assaults and to get him to comply. Subject Villalobos stated that with aid from Deputies Kerfoot and Rodriguez,

they took the inmate down to the ground. He said the inmate began kicking and swinging his elbows, striking him (Villalobos) in the face. Subject Villalobos said that the inmate continued to kick his legs, and he (Villalobos) attempted to gain control of his legs. He said he lost control of the inmate's legs, and saw that the inmate tucked his legs underneath him, in an apparent effort to stand up. Subject Villalobos said he kicked the inmate's right leg several times, in an effort to keep him from standing up.

Subject Villalobos said he again took hold of the suspect's legs, and pulled them from underneath him. He said he controlled the suspect's legs momentarily, but lost control when the suspect pulled them back. He said he then heard Deputy Sanchez shout out that he was going to use the Taser. Subject Villalobos said that the use of the Taser was effective, as the suspect stopped fighting. He said that they were then able to handcuff the suspect. Subject Villalobos said he saw the Taser used once, and that was after Deputy Sanchez shouted that he was going to use it. Subject Villalobos stated that he believes that the Taser was used at the first opportunity. He said he does not believe it was feasible to use the Taser sooner, due to the confined area.

Subject Villalobos said that prior to the Taser being used, he saw only one other opportunity to try and restrain the inmate's hands in order to handcuff him. He said that when he attempted to gain control of the inmate's left hand, the inmate struck him on his face with his elbow. Subject Villalobos said that during the incident he was aware that the other deputies were using force, but he does not know what type of force they were using. However, he did witness Deputy Kerfoot spray the inmate with Oleoresin Capsicum, and Deputy Sanchez utilize the Taser. Deputy Villalobos said his focus was on trying to gain control of the inmate.

Subject Villalobos stated that the force he utilized was the only option he had at the time. He said that the inmate remained assaultive and resistive throughout the incident, despite all the force used by him and the other deputies. He said that the force he observed on the video recording was appropriate, based on his knowledge of what was occurring. Subject Villalobos said that to his knowledge only he, Deputy Kerfoot, Deputy Sanchez, and Deputy Rodriguez used force during this incident.

For his complete statement, refer to Subject Villalobos' interview transcript.